

JERRY S. BUSBY
Nevada Bar #001107
GREGORY A. KRAEMER
Nevada Bar #010911
COOPER LEVENSON, P.A.
3016 West Charleston Boulevard - #195
Las Vegas, Nevada 89102
(702) 366-1125
FAX: (702) 366-1857
jbusby@cooperlevenson.com
gkraemer@cooperlevenson.com

Attorneys for Defendant
SMITH'S FOOD & DRUG CENTERS, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANNE CHU, individually,
Plaintiff,

vs.

SMITH'S FOOD & DRUG CENTERS, INC.
dba SMITH'S, a foreign corporation; DOES I-
X, and ROE CORPORATIONS I-X, inclusive,
Defendants.

CASE NO. 2:20-cv-00370- JAD-BNW

ORDER VACATING TRIAL

ECF No. 48

WHEREAS, on February 3, 2022, the Court entered an Amended Pretrial Order setting a Jury Trial for March 15, 2022. (ECF No. 48.)

WHEREAS, on January 31, 2022, the parties submitted a Stipulation and Order to Re-Open Discovery and Continue Trial Date. (ECF No. 44.) The stipulation was rejected as it was "not filed pursuant to LR IC 2-2(b)." (ECF No. 45.)

WHEREAS, on January 21, 2022, Plaintiff served her Fourteenth Supplement. The supplement contained medical records from a spinal surgery that Plaintiff underwent on December 2, 2021, at Valley Hospital Medical Center. According to the records that were disclosed in the Fourteenth Supplement, Plaintiff underwent an Anterior Cervical Discectomy at C4-5 and Anterior Cervical Fusion at C5-6. Plaintiff has previously underwent cervical discectomy and fusion in 2019.

///

According to the supplement, the surgery has almost doubled Plaintiff's past medical expenses to \$435,053.16. With a trial date of March 15, 2022, there is not enough time to collect the medical records from the surgery, have expert witnesses review the additional records to revise their reports, or to take the deposition of the surgeon who performed the surgery, Jason Garber, M.D.

IT IS HEREBY STIPULATED AND AGREED by and between THOMAS W. STEWART, ESQ. of THE POWELL LAW FIRM, Attorneys for Plaintiff, ANNE CHU, and JERRY S. BUSBY, ESQ. and GREGORY A. KRAEMER, ESQ. of the law firm COOPER LEVENSON, P.A., Attorneys for Defendant SMITH'S FOOD & DRUG CENTERS, INC. that the trial date of March 15, 2022 and the Calendar Call of March 7, 2022 be vacated.

Respectfully submitted this 10th day of February, 2022.

THE POWELL LAW FIRM

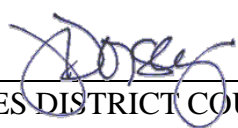
COOPER LEVENSON P.A.

By: /s/ Thomas W. Stewart
 Paul D. Powell, Esq.
 Nevada Bar No. 7488
 Thomas W. Stewart, Esq.
 Nevada Bar No. 14280
 8918 Spanish Ridge Ave, Suite 100
 Las Vegas, Nevada 89148
 Attorneys for Plaintiff

By: /s/ Gregory A. Kraemer
 Jerry S. Busby, Esq.
 Nevada Bar No. 1107
 Gregory A. Kraemer, Esq.
 Nevada Bar No. 10911
 3016 West Charleston Boulevard - #195
 Las Vegas, Nevada 89102
 Attorneys for Defendant

ORDER

Based on the parties' stipulation [ECF No. 48], IT IS HEREBY ORDERED that the Amended Pretrial Order [ECF No. 46] is VACATED, along with the 3/15/2022 Jury Trial and the 3/7/2022 Calendar Call. For this case to get a new trial setting, the parties will need to file a Second Amended Proposed Joint Pretrial Order.


 UNITED STATES DISTRICT COURT JUDGE
 February 11, 2022